

DETAILED ACTION

1. Claims 6 and 8-12 are currently pending.
2. The amendments to the claims, filed on July 24, 2009, are acknowledged.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Linda Birch on October 1, 2009.

In the Claims: Please amend the claims as follows:

Claim 6: INSERT the phrase "substituted with" between "or" and "C₁-C₂alkoxy" in line 11 of the claim

Claim 10: DELETE the phrase "or with a biologically effective amount of a composition of Claim 8"

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The instantly claimed compounds of formula (I) are novel and non-obvious over the prior art because of the R⁵ group. The closest prior art is Lahm et al (WO 01/070671). This reference does not encompass the scope of the instant application, which includes the aforementioned novelties. The prior art reference does not contain the identical or obvious substituents at the aforementioned positions.

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A person of ordinary skill in the art would not have expected that making these structural modifications would retain identical activity as disclosed in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

5. Claims 6 and 8-12 (renumbered 1-6) are allowed.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha Shterengarts whose telephone number is (571)270-5316. The examiner can normally be reached on Monday thru Thursday, 9AM – 6PM Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/SAMANTHA SHTERENGARTS/
Examiner, Art Unit 1626